

E-FILED – JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV15-4228-GHK (AGRx)	Date	October 28, 2015
Title	<i>William M. Pate v. Bodega Latina Corporation d/b/a El Super</i>		

Presiding: The Honorable

GEORGE H. KING, CHIEF U.S. DISTRICT JUDGE

Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Petitioner:	Attorneys Present for Respondent:	
None	None	

Proceedings: (In Chambers) Order re: Respondent Bodega Latina Corporation d/b/a El Super's Response to Order to Show Cause [Dkt. 54]

On September 9, 2015, Respondent Bodega Latina Corporation d/b/a El Super ("Respondent") filed the Declaration of Carlos Silva-Craig, which set forth Respondent's purported compliance with our July 30, 2015 Temporary Injunction.¹ [Dkt. 48.] On September 23, 2015, Petitioner William M. Pate ("Petitioner") filed a Status Report presenting his position on whether the Silva-Craig Declaration adequately complied with the July 30, 2015 Temporary Injunction. [Dkt. 50.] Petitioner's Report stated that "Paragraph 6 of the Silva-Craig Declaration does not comport with the Court's Order in that Respondent has not made changes to its vacation policy such that (a) employees accrue one week of vacation time during their first year of employment and (b) accrued time is calculated on a yearly basis upon the completion of each full year worked." [*Id.* (emphasis omitted).] Petitioner also noted that "current employee Reina Rosales at Respondent's Arleta, CA store was advised by her store manager [Rodolfo Aguirre] as recently as September 16, 2015, that she did not have any vacation until she completed two years with the company, despite her having just passed her one-year anniversary of employment." [*Id.* at 3.] Ms. Rosales submitted a Declaration confirming this statement. [*Id.*, Ex. A.]

On September 28, 2015, we issued an Order ("OSC") determining that, in light of Petitioner's Status Report and Ms. Rosales' Declaration, there was at least probable cause to believe that Respondent did not comply with our July 30, 2015 Temporary Injunction. [Dkt. 51.] We ordered Respondent and Declarant Carlos Silva-Craig to show cause why they should not be held in contempt for violating the July 30, 2015 Temporary Injunction. [*Id.*]

On October 13, 2015, Respondent and Carlos Silva-Craig responded to our OSC ("OSC Response"). [See Dkt. 54.] On October 23, 2015, Petitioner responded to the OSC Response. [See Dkt. 56.] Petitioner stated that "based upon its review of the Response and Declarations provided to the Court by Respondent on October 13, 2015, as well as a review of the additional supporting documents provided to the Regional Director . . . Petitioner does not have clear and convincing evidence that

¹ Silva-Craig's Declaration is dated September 8, 2015.

E-FILED – **JS-6**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	CV15-4228-GHK (AGRx)	Date	October 28, 2015
Title	<i>William M. Pate v. Bodega Latina Corporation d/b/a El Super</i>		

Respondent is in contempt of the Court's Injunction, or that Mr. Silva-Craig earlier provided a false statement to the Court." [Id. at 3.]

Based on Petitioner's response, we find that Respondent and Carlos Silva-Craig have sufficiently shown cause why they should not be held in contempt for violation of the July 30, 2015 Temporary Injunction. Accordingly, our OSC is hereby **DISCHARGED**, and the hearing on our OSC, currently scheduled for November 2, 2015 at 9:30 a.m., is **VACATED** and **TAKEN OFF CALENDAR**.

IT IS SO ORDERED.

Initials of Deputy Clerk

-- : --
Bea